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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/627,058

07/27/2000

Hiroaki Sugiura

0925-0162P

9942

7590

03/31/2004

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 03/31/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,058

Applicant(s)

SUGIURA ET AL.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 11-13, 15-18, 22-24, 26-34, 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada (US Patent No. 6,337,922).

Concerning claim 22, Kumada discloses a system (Fig.23, 33) having an output device (10) that converts image data of a second color space to a visually-perceptible analog of the image data, to display original image data that was generated relative to a first color space, the apparatus comprises a provider (40) of image data; a communication channel (30); an output device (10) that converts image data of a second color space to a visually perceptible analog thereof; the output device is operable to receive the original image data that was generated according to a first color space (60), from the provider over the communication channel and the output device is operable to receive, along with the image data, a profile of the provider over the communication panel and the output device is operable to convert the image data relative to the second color space according to the profile to produce converted image data and the output device is operable to convert the converted image data into a visually-perceptible analog thereof (Figs. 25, 36, 37; Abstract; col. 5, lines 4-31; col. 6, lines 16-67; col. 11, line 27 – col. 12, line 67; col. 16, lines 23-60).

Kumada does not specifically teach that the output device receives, along with the image data, tag data representing parameters of the first color space from the provider. Instead, Kumada teaches that the output device receives image file added with a profile. From Fig.2, a profile is divided into a header portion and a data storage portion: in the header portion, information which is used to manage the profile is stored, in the data storage portion, profile description information for discriminating the profile is stored (col. 1, lines 36-46). In addition, from the prior art, a device profile performs a color conversion process to perform color matching between input and output images using a profile corresponding to a source device before conversion and a profile corresponding to a destination device after conversion (col. 1, lines 15-21). Thus, the profile can include parameters of the color space of the image data. It would have been obvious to one skilled in the art at the time the invention was made to consider the tag data including in the device profile since the device profile also has data representing parameters of the image data including color space of the source image data.

Concerning claims 23-24, 26-31, 33-34, 36-41, Kumada further teaches the provider is a computing device (40) and the communication channel (30) is a direct connection between the computer device (40) and the output device (10); the output device (10) is a component of a personal computing device connected to said network, the provider receives the original image data from a data source (60) which is a scanner or signal generator; the output device (10) is a monitor, a projector or a printer (Figs.23, 33); the output device is a first output device and the converted image data is first converted image data, the computing system having at least a second output device (20 or 50) that converts image data of a third color space to a visually-perceptible analog of the image data and wherein the provider is operable to transmit the original

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image data or the profile file with the original image data to the second output device (50), the second output device is operable to convert the original image data relative to the third color space according to the profile data to produce second converted image data, and the second output device is operable to convert the second converted image data into a visually-perceptible analog substantially simultaneously with the first output device converting the first converted image data into a visually-perceptible analog thereof; wherein the first output device (10) is a default monitor for the computing system and the second output device (20 or 50) is an auxiliary monitor such as projector device (Figs.25-32, 36-41; col. 1, lines 15-46; col. 2, lines 36-67; col. 5, lines 4-35; col. 6, line 51 – col. 7, line 49; col. 11, line 27 – col. 12, line 61; col. 16, lines 18-65).

Concerning claim 32, Kumada discloses a computing system as discussed in claim 22 above. Kumada further teaches that the output device is operable to presume, if no tag data is received over the communication channel, the first color space is a default color space and the output device is operable to convert the original image data relative to the second color space (Figs. 27-28).

Concerning claim 42, the default color space is standard RGB (col. 1, lines 24-27).

Claims 1-3, 5-7, 9-13, 15-18 are method claims of apparatus claims 22-24, 26-34, 36-41.

Claims 1-7, 9-18 are rejected for the same rationales set forth for claims 22-24, 26-34, 36-41.

3. Claims 8-10, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada as applied to claims 1, 11 above, and further in view of Hibi (US Patent No. 5,359,437).

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Concerning claims 8-10, 19-21, Kumada further teaches that the output device retrieving data representing parameters of the default color space wherein the parameter include a code identifying a color space, primary coordinates color characteristics or parameters for image processing (col. 1, lines 36-46; col. 11, lines 27-67; col. 12, lines 20-39; col. 16, lines 37-55).

Kumada fails to teach that the parameters are combination of the primary coordinates and the tone characteristics or the tone characteristics include a gamma value for the first color space and table values for tone conversion, or the color reproduction characteristics include one of RGB signal levels for specific colors or a combination of hue, chroma and value coordinates. Hibi discloses an apparatus for color conversion having conversion circuit 22 for converting signals of reflectance read by CCD sensor into signals of lightness scale L^*bgr , and an $L^*a^*b^*$ conversion circuit 23 for converting signals of lightness scale L^*bgr into standard system value ($L^*a^*b^*$) signals where axis L^* of the system values indicate intensity and two dimensional surface of axis a^* and axis b^* orthogonal to the axis L^* indicates saturation and hue, a hue and chroma conversion circuit 24 generates signals H (hue) and C (chroma) from system value $L^*a^*b^*$ signals. Hibi further teaches a tone reproduction which controls conversion circuit 29 carries out tone conversion in accordance with output characteristics of the image output device, and then carries out color balance control and contrast control (col. 7, lines 11-42). It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of Hibi to the parameters of the color space in the profile taught in Kumada since Kumada teaches that the profile is for color conversion between input and output images corresponding to a source device before conversion and a profile corresponding to a destination

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device after conversion (col. 1, lines 11-21) wherein the parameters including tone characteristics, primary coordinates are required for color conversion.

4. Claims 4, 14, 25, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada as applied to claims 1, 11, 22, 32 above, and further in view of Agarwal et al (US Patent No. 6,509,910).

Concerning claims 4, 14, 25, 35, Kumada fails to teach that the network connection is wireless. Agarwal et al teaches a communication system for sending data between multiple networks wherein the system can receive image along with related data directly from conventional communication network such as optical, electrical or wireless data communication network (col. 3, line 62 – col. 4, line 4). It would have been obvious to one skilled in the art at the time that invention was made to combine the teaching of wireless communication networking in Agarwal to the system in Kumada since Kumada does not limit the type of network connection and both of Kumada and Agarwal teach the transmission and reception of image data along with a profile through a communication network.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

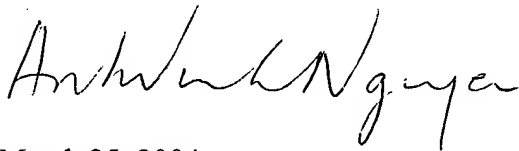
a. Takaoka (US Patent No. 6,693,718) discloses an image processing apparatus method for processing a color image which obtains an output result faithful to an original image independently of characteristics of a device to optically read the original image.

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- b. Anabuki (US Patent No. 6,091,518) teaches an image transfer apparatus with a profile storage device connected to a network.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



March 25, 2004

Madeleine AV Nguyen
Primary Examiner
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